**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITON NO. 36856 OF 1998**

**DATED: 05-07-2006**

**BETWEEN:**

M/s. World Wings Travels,
Hyderabad, rep. by its Managing Partner
Syed Masood Ahmed, S/o. Syed Mustafa

… Petitioner

And

The Department of Telecommunications
Hyderabad Telecom District,
Rep. by its General Manager (South),
Hyderabad, Gunfoundry, Hyderabad

…Respondent

**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITON NO. 36856 OF 1998**

**ORDER:**

The petitioner, which is a proprietory concern, questions the order of the respondent Telecommunications dated 16-11-1998 in disconnecting the telephone No.4603376 working for M/s. World Wings Travels on the ground that there are certain dues payable by his wife in respect of her telephone No.565235. In so far as the petitioner's telephone number is concerned, there are no arrears at all and the petitioner's travels is only proprietory concern.

It is the case of the petitioner that his telephone connection cannot be disconnected for the dues payable in respect of the telephone connection of his wife.

A counter has been filed by the respondent stating that there are dues of Rs. 3,705/- in respect of the petitioner's telephone connection No.4603376 and the same was disconnected on

16-11-1998 for non-payment of the above dues and also on the ground that a sum of Rs.73,336/- is outstanding from Smt. Sarwarunnisa Begum, S/o. Sri Syed Masood Ahmed, the proprietor of the petitioner-firm in respect of her telephone connection No.565235 and the telephone connection of his wife was already under disconnection for non-payment of the said dues. In spite of repeated requests, the dues payable by his wife have not been paid and pursuant to the interim direction of this Court and as the petitioner paid entire dues petitioner's telephone connection bearing No.4603376 was restored.

I am of the opinion that the disconnection of the petitioner's telephone for the alleged arrears of Rs. 3,705/- is justified, but the action of the respondents in not restoring the telephone connection of the petitioner on the ground that the telephone connection of his wife was under disconnection for nonpayment of dues cannot be valid and legal. If the said Sarvarunnisa Begum, is a partner in the petitioner's World Wings Travels and if there is any connection to her in respect of the business, then only, it is open for the respondents to disconnect the telephone for non-payment of the dues by her as per Rule 443 of Indian Telegraphic Rules.

Therefore, I am of the opinion that the respondents have not relied on the said rule also as the petitioner travels is a proprietory concern and the said Smt. Sarvarunnisa Begum is not a partner of the petitioner concern.

Accordingly, the writ petition is allowed by setting aside the impugned order. No order as to costs.

_____

V. ESWARAIAH, J.

Dated: 05-07-2006
RNS